

TROY LAW, PLLC
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41-25 Kissena Boulevard Suite 103
Flushing, NY 11355
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Attorney for the Plaintiff, proposed FLSA Collective and potential Rule 23 Class

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
JOSE PANORA,
on his own behalf and on behalf of others similarly situated

Plaintiff,
v.

DEENORA CORP
d/b/a Dee's;
DEE'S BRICK OVEN PIZZA, INC
d/b/a Dee's; and
DEERAN ARABIAN a/k/a Dee Arabian
Defendants.

Case No. 19-cv-07267

**COURT AUTHORIZED
NOTICE OF 29 U.S.C. § 216(b)
COLLECTIVE ACTION**

**IMPORTANT NOTICE
ADVISING YOU OF YOUR
RIGHTS**

TO: Current and former non-exempt employees employed at any time from December 09, 2017 to the present by:

- (1) DEENORA CORP d/b/a Dee's,
- (2) DEE'S BRICK OVEN PIZZA, INC d/b/a Dee's,
- (3) DEERAN ARABIAN a/k/a Dee Arabian,
All located at 107-23 Metropolitan Ave, Forest Hills, NY 11375;
- (4) DEE ARABIAN.

(hereinafter collectively "Defendants")

If you worked for Defendants at any time since December 09, 2017, and that for some part of the time, you have worked in excess of forty (40) hours during the workweek, the purpose of this Notice is to advise you of this lawsuit, and to further advise you of certain rights you may have with respect to this action.

Plaintiff JOSE PANORA worked for Defendants and has brought this action on behalf of all other current and former employees who have worked for Defendants at 107-23 Metropolitan Ave, Forest Hills, NY 11375 since December 09, 2017.

The lawsuit seeks monetary damages under the federal Fair Labor Standards Act and the New York Labor Law for, among other things, allegedly owed overtime wages. Defendants deny these allegations.

THIS NOTICE is meant to advise you of your right to participate in this lawsuit as a claimant and plaintiff under the Fair Labor Standards Act if you worked for Defendants at any time from December 09, 2017 to the present and were not paid overtime for all hours worked over 40 in any given workweek.

No determination has been made that you are owed any amount of money, and the Court is not endorsing the merits of this lawsuit or advising you to participate in this lawsuit. You are under no obligation to respond to this notice.

Federal law prohibits Defendants from retaliating against you or discriminating against you if you wish to join this lawsuit.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
ASK TO BE INCLUDED	If you wish to be included, you must complete the form at the end of this Notice.
DO NOTHING	By doing nothing, you will not be included in the portion of the lawsuit relating to claims under the Fair Labor Standards Act.

Your options are explained in this notice. To ask to be included in this lawsuit, you must act before [90 days from date notice is sent out.]

1. Why did I get this notice?

You are getting this notice because Defendants' records show that you work or worked for Defendants at some time from December 09, 2017, through the present, and that for some part of the time, you have worked in excess of forty (40) hours during the workweek.

2. What is this lawsuit about?

This lawsuit is about whether the Defendants properly paid its employees in accordance with the federal Fair Labor Standards Act and the New York Labor Law. In the portion of the lawsuit brought under the Fair Labor Standards Act, the lawsuit alleges, among other things, that Defendants failed to pay overtime for all hours worked over 40 in any given workweek.

Defendants deny these allegations.

3. What damages is the lawsuit seeking?

The lawsuit is seeking to recover, among other things, unpaid overtime pay, and "liquidated damages," which double the amount of wages owed. The lawsuit is also seeking recovery of costs and attorneys' fees.

4. What happens if I join the lawsuit?

If you choose to join this lawsuit, you will be bound by any ruling, settlement or judgment, whether favorable or unfavorable. You will also share in any proceeds from a settlement or a favorable judgment.

While this lawsuit is pending, as part of the discovery process, you (Opt-in Plaintiff) may be asked to provide documents or information relating to your employment with Defendants, which may include responding to written questions or answering questions in person under oath, either before or at trial. For this reason, if you join the lawsuit, you should preserve all documents relating to the Defendants currently in your possession. You also may be asked to sit for a deposition scheduled at your convenience and/or asked to testify at a trial in the Eastern District of New York Courthouse.

5. Can Defendants and/or my current employer retaliate or fire me if I join the lawsuit?

No. It is a violation of federal law for Defendants to fire, discipline, or in any manner discriminate or retaliate against you for taking part in this lawsuit.

6. Can I participate in this lawsuit, even though, due to my immigration status, I did not work or am not working for Defendants legally?

Yes. Your immigration status does not affect your entitlement to recover back wages or to participate in the lawsuit.

7. How do I ask the Court to include me in the lawsuit?

Enclosed is a form called the “Plaintiff Consent Form.” **If you choose to join the lawsuit, it is extremely important that you read, sign, and promptly return the Plaintiff Consent Form.**

An addressed and postage paid envelope is enclosed for your convenience. Should the enclosed envelope be lost or misplaced, the Plaintiff Consent Form must be sent to the following address:

TROY LAW PLLC
41-25 Kissena Boulevard, Suite 103
Flushing, NY 11355
RE: PANORA, et al. v. DEENORA CORP d/b/a Dee's et al.

Your signed and filled-out Plaintiff Consent Form must be postmarked, faxed, or emailed by (90 days from mailing). If your signed and filled-out Plaintiff Consent Form is not postmarked, faxed, or emailed by (90 days from mailing), you may not be able to participate in the federal law portion of this lawsuit or share in a monetary damage. You can also fax the Plaintiff Consent Form to (718) 762-1342 or scan and email it to troylaw@troypllc.com.

8. Do I have an attorney in this lawsuit?

If you choose to join this lawsuit, unless you choose to retain a different attorney, you will be represented by **Troy Law, PLLC**, 41-25 Kissena Boulevard, Suite 103, Flushing, New York 11355, (718) 762-1324.

9. How will Troy Law, PLLC be paid?

If you choose to be represented by Troy Law, PLLC, their costs and fees will be paid out of any settlement or money judgment Plaintiffs receive against Defendants. If there is no settlement or money judgment, Troy Law, PLLC will not receive any fee. You will not be required to pay anything out of pocket for services provided by Troy Law, PLLC.

Further information about this Notice, the deadline for joining the lawsuit, the form provided or answers to other questions concerning this lawsuit may be obtained by contacting the Troy Law, PLLC at (718) 762-1324. Substantive communications with Troy Law, PLLC for the purpose of obtaining legal advice are presumed **privileged and confidential** and will not be disclosed to anyone without your permission.

If you select an attorney other than Troy Law, PLLC to represent you in this action, you may join this lawsuit by submitting an appropriate consent form directly to the Clerk of Court by the deadline indicated herein.

10. Should I get my own attorney?

You have the right to hire any attorney of your choice to represent you in this matter. However, if you choose not to be represented by Troy Law, PLLC, you will need to confer with them regarding their costs and fees.

11. What happens if I do nothing at all?

If you do nothing at all, you will not be part of this lawsuit and will not be affected by any settlement or judgment rendered in this lawsuit, whether favorable or unfavorable.

12. Do the Defendants have a lawyer in this Case?

Yes, the attorneys for Defendants are:

Kaufman Dolowich & Voluck, LLP
135 Crossways Park Drive, Suite 201
Woodbury, New York 11797

13. This notice has been authorized by the court.

This notice and its contents have been authorized by a federal judge for the United States District Court for the Eastern District of New York. The Court has not yet ruled on whether Plaintiffs' claims or Defendants' defenses have any merit.

Please do not write or call the court about this notice.

Although the Court has approved the sending of this Notice, the Court expresses no opinion on the merits of the lawsuit.

PLAINTIFF CONSENT FORM

IF YOU RECEIVED THIS FORM AND WANT TO JOIN THIS LAWSUIT, PLEASE COMPLETE THESE TWO STEPS:

- A. COMPLETE AND SIGN THIS PLAINTIFF CONSENT FORM; AND
- B. USE THE ENCLOSED ENVELOPE TO RETURN THIS FORM TO THE ADDRESS BELOW NOT LATER THAN [90 days from mailing of notice].

I consent to be a party plaintiff in the lawsuit *PANORA, et al. v. DEENORA CORP d/b/a Dee's, et al.*, U.S. District Court, Eastern District of New York, Civil Action No. 19-cv-07267 in order to seek redress for violations of the Fair Labor Standards Act, pursuant to 29 U.S.C. § 216(b).

By signing and returning this consent form, I hereby designate Plaintiff and his counsel Troy Law, PLLC ("the Firm") to represent me and make decisions on my behalf concerning the litigation and any settlement. I understand that reasonable costs expended on my behalf will be deducted from any settlement or judgment amount on a pro rata basis among all other plaintiffs. I understand that the Firm will petition the Court for reasonable attorneys' fees and expenses should this case settle or a money judgment is received and will receive a proportion of any such gross settlement or judgment amount. I agree to be bound by any adjudication of this action by a court, whether it is favorable or unfavorable.

Name (printed)

Signature

Date

Street Address

City

State

ZIP

Best Telephone Number(s)

Email

Work Location(s)

Employment Start Date

Employment End Date

Mail to:

**TROY LAW, PLLC,
41-25 KISSENA BOULEVARD, SUITE 103
FLUSHING, NY 11355
RE: *PANORA, et al. v. DEENORA CORP d/b/a Dee's et al.***

YOU CAN ALSO FAX THE CONSENT TO JOIN FORM TO (718) 762-1342

OR SCAN AND EMAIL IT TO: troylaw@troypllc.com